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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,369	07/30/2003	Peter Coleman	60130-1853; 02MRA0222	8947
26096	7590	03/21/2006	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			LUONG, VINH	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/630,369

Applicant(s)

COLEMAN ET AL.

Examiner

Vinh T. Luong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 13-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
Vinh T. Luong  
Primary Examiner

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/10/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. Applicant's election without traverse of the species of Figs. 3 and 3A in the reply filed on February 9, 2006 is acknowledged.

2. Claims 13-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on February 9, 2006.

Claim 13 and its dependent claims 14-19 claim a latch assembly 250 shown in nonelected species of Figs 4-7 and/or the species of Fig. 8. See paragraphs [0054]-[0077] of the specification. Therefore, claims 13-19 are withdrawn as being drawn to the nonelected species of Figs. 3 and 3A.

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because of the legal phraseology "means." Correction is required. See MPEP § 608.01(b).

5. The drawings filed on November 10, 2003 and July 30, 2003 are objected to, *inter alia*, because: (a) the drawings do not comply with 37 CFR 1.84. See Forms PTO-948 attached to the restriction mailed on January 9, 2006; and (b) each part of the invention, such as, the component described in paragraph [50] of the specification should be designated by a referential numeral or character.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The disclosure is objected to because of the following informalities: (a) each part of the invention, such as, the component described in paragraph [50] of the specification should be designated by a referential numeral or character; and (b) the disclosure contains typographical error, *e.g.*, “PCT application WO98/531565” in paragraph [0053] of the specification should have been changed to “PCT application WO98/53165.” Appropriate correction is required.

7. Claim 2 is objected to because of the following informalities: no antecedent basis is seen for the term “The *latch* assembly.” Appropriate correction is required.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-6 and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Pearson et al. (EP 0 939 245 A1 cited by Applicant).

Regarding claim 1, Pearson teaches an actuator assembly 10 comprising: an actuator 14 drivingly connected to an output member 22 by a transmission path, and said actuator 14 moves said output member 22 about a pivot point 25 in a first direction from a rest position (i.e., where the input sector gear 28 does not engage teeth 34 and does not drive gear 30. See paragraph [0023]) to an actuated position (i.e., where the input sector gear 28 engages teeth 34 and drives gear 30) and moves said output member 30 in a second direction from said actuated position to said rest position; and an energy storing member 40 which provides a force, movement of said output member 22 by said actuator 14 in said first direction being assisted by said energy storing member 40 and movement of said output member 22 by said actuator 14 in said second direction stores energy in said energy storing member 40, and wherein said energy storing member 40 is positioned relative to said pivot point 25 such that said force acts *substantially* through said pivot point 25 when said output member 22 is in said rest position.

Claim 1 and other claims below are anticipated by Pearson because Pearson “reads on” each positively claimed element in the claim. The “wherein” or “whereby” clause that merely states the inherent results of limitations in the claim adds nothing to the claim’s patentability or substance. *Texas Instruments Inc. v. International Trade Commission*, 26 USPQ2d 1018 (Fed. Cir. 1993); *Griffin v. Bertina*, 62 USPQ2d 1431 (Fed. Cir. 2002); and *Amazon.com Inc. v. Barnesandnoble.com Inc.*, 57 USPQ2d 1747 (Fed. Cir. 2001).

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Regarding claim 2, since said force acts *substantially* through said pivot point 25 when said output member 22 is in said rest position a resultant torque is not generated on said output member 22.

Regarding claim 3, said energy storing member 40 is positioned such that said force acts through said pivot point 25 of said output member 22.

Regarding claim 4, said energy storing member 40 acts on said output member 22.

Regarding claim 5, said energy storage member 40 acts on an abutment 28 of said output member 22.

Regarding claim 6, said abutment 28 moves about said pivot point 25 as said output member 22 moves.

Regarding claim 8, said energy storing member 40 provides an assistance force as said output member 22 moves in said first direction, said assistance force progressively increasing to a maximum and then decreasing from said maximum.

Regarding claim 9, said energy storing member 40 is a helical spring.

Regarding claim 10, said helical spring 40 includes a circular portion including at least one coil and at least one arm (at 46 in Fig. 1) which *indirectly* acts on said output member 22.

Regarding claim 11, said helical spring 40 has a second arm (at 40 in Fig. 1) which acts on a fixed abutment 44.

Regarding claim 12, Pearson teaches an actuator assembly comprising: an actuator 14 drivingly connected to an output member 22 by a transmission path, and said actuator 14 moves said output member 22 about a pivot point 25 in a first direction from a rest position to an actuated position and moves said output member 22 in a second direction from said actuated

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position to said rest position; and an energy storing member 40 which provides a force, movement of said output member 22 by said actuator 14 in said first direction being assisted by said energy storing member 40 over a substantial portion of said movement to said actuated position, and movement of said output member 22 by said actuator 14 in said second direction stores energy in said energy storing member 40 over a substantial portion of said movement to said rest position, and wherein said energy storing member 40 is positioned relative to said pivot point 25, and said force acts to drive said output member 22 in said second direction when said output member 22 is in said rest position.

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

11. Claims 1-8 and 12 are rejected under 35 U.S.C. 102(a) as being anticipated by Spurr (EP 1 128 006 A2 published on August 29, 2001 and cited by Applicant).

Regarding claim 1, Spurr teaches an actuator assembly 10,40 comprising: an actuator 14 drivingly connected to an output member 24 (Figs. 1 and 2), 60 (Fig. 3) by a transmission path, and said actuator 14 moves said output member 24, 60 about a pivot point A (Fig. 3) in a first direction from a rest position (see, e.g., abstract) to an actuated position (see abstract) and moves said output member 24, 60 in a second direction from said actuated position to said rest position; and an energy storing member 20, 42, 78 which provides a force, movement of said output member 24, 60 by said actuator 14 in said first direction being assisted by said energy storing member 20, 42, 78 and movement of said output member 24, 60 by said actuator 14 in said

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second direction stores energy in said energy storing member 20, 42, 78, and wherein said energy storing member 20, 42, 78 is positioned relative to said pivot point A such that said force acts *substantially* through said pivot point A when said output member 24, 60 is in said rest position.

Claim 1 and other claims below are anticipated by Spurr because Spurr “reads on” each positively claimed element in the claim. The “wherein” or “whereby” clause that merely states the inherent results of limitations in the claim adds nothing to the claim’s patentability or substance. See *Texas Instruments Inc. v. International Trade Commission, supra*.

Note that the “wherein” clause that merely recites the inherent results.

Regarding claim 2, since said force acts *substantially* through said pivot point A when said output member 24, 60 is in said rest position a resultant torque is not generated on said output member 24, 60.

Regarding claim 3, said energy storing member 20, 42, 78 is positioned such that said force acts through said pivot point A of said output member 24, 60.

Regarding claim 4, said energy storing member 20, 42, 78 acts on said output member 24, 60.

Regarding claim 5, said energy storage member 20, 42, 78 acts on an abutment 18, 26, 50, 74 of said output member 24, 60.

Regarding claim 6, said abutment 26 (Figs. 1 and 2) moves about said pivot point A as said output member 24 moves.

Regarding claim 7, said abutment 26 is a crank pin. See paragraph [0013] and claim 15.



Regarding claim 8, said energy storing member 20, 42, 78 provides an assistance force as said output member 24, 60 moves in said first direction, said assistance force progressively increasing to a maximum and then decreasing from said maximum.

Regarding claim 12, Spurr teaches an actuator assembly comprising: an actuator 14 drivingly connected to an output member 24, 60 by a transmission path, and said actuator 14 moves said output member 24, 60 about a pivot point A in a first direction from a rest position to an actuated position and moves said output member 24, 60 in a second direction from said actuated position to said rest position; and an energy storing member 20, 42, 78 which provides a force, movement of said output member 24, 60 by said actuator 14 in said first direction being assisted by said energy storing member 20, 42, 78 over a substantial portion of said movement to said actuated position, and movement of said output member 24, 60 by said actuator 14 in said second direction stores energy in said energy storing member 20, 42, 78 over a substantial portion of said movement to said rest position, and wherein said energy storing member 20, 42, 78 is positioned relative to said pivot point A, and said force acts to drive said output member 24, 60 in said second direction when said output member 24, 60 is in said rest position.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Watanuki et al. (spring 12 in Fig. 3), Mizuno (spring 10, 11), Mann (spring 27 in Fig. 4), Cameron (spring 30), and Barthruff (spring 40 in Fig. 2).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 571-272-7109. The examiner can normally be reached on Monday - Thursday.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Luong

March 16, 2006



Vinh T. Luong  
Primary Examiner